

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CASE NO: 21-32967-KLP

Address: TAMIKA NIKOLE TOOKES,
9914 MAJORICA DR
RICHMOND, VA 23234

CHAPTER 13

Debtor(s).

NOTICE OF HEARING

Carvana LLC, a creditor in this case, has filed papers with the court to object to the confirmation of the Chapter 13 plan with regard to certain property more particularly described in those papers which are attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want the Court to consider your views on the Objection, then you or your attorney must:

File with the Court, at the address shown below, a written response. If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it before the date stated below.

United States Bankruptcy Court
Richmond Division
701 East Broad Street, Suite 4000
Richmond, VA 23219-1888

You must also mail a copy of any such response to:

M. Christine Maggard, Esquire
Brock & Scott, PLLC

M. Christine Maggard, VSB# 33824
Brock & Scott, PLLC
8757 Red Oak Blvd., Suite 150
Charlotte, NC 28217
christine.maggard@brockandscott.com
Counsel for the Movant

8757 Red Oak Blvd., Suite 150
Charlotte, NC 28217

Attend the hearing that will be conducted on November 17, 2021 at 09:10 AM.

REMOTE HEARING INFORMATION:

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

PLEASE NOTE: You **MUST** submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

Dated: October 28, 2021

/s/ M. Christine Maggard
M. Christine Maggard, VSB# 33824
Brock & Scott, PLLC
8757 Red Oak Blvd., Suite 150
Charlotte, NC 28217
christine.maggard@brockandscott.com
Counsel for the Movant

CERTIFICATE OF SERVICE

The foregoing Notice was endorsed by and/or served upon all necessary parties pursuant to Local Rules by electronic notification and/or U.S. First Class Mail, postage pre-paid.

Veronica D. Brown-Moseley
Boleman Law Firm, P.C.
PO Box 11588
Richmond, VA 23230
Counsel for Debtor

TAMIKA NIKOLE TOOKES
9914 MAJORICA DR
RICHMOND, VA 23234
Debtor

Suzanne E. Wade
7202 Glen Forest Drive, Ste. 202
Richmond, VA 23226
Trustee

/s/ M. Christine Maggard
M. Christine Maggard, VSB# 33824
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8757 Red Oak Blvd., Suite 150
Charlotte, NC 28217
christine.maggard@brockandscott.com
Counsel for the Movant

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OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

COMES NOW, Carvana LLC (the “Secured Creditor”), and its successors and assigns, by and through its legal counsel, Brock & Scott, PLLC, and objects to confirmation of the Debtor’s Chapter 13 Plan, on the following grounds:

1. On October 1, 2021, Debtor(s) filed a voluntary petition in this Court under Chapter 13 of Title 11 of the United States Bankruptcy Code.

2. The Secured Creditor holds a secured claim by virtue of a Simple Interest Retail Installment Contract (the “Contract”) and lien on the 2017 Nissan Murano FWD V6, VIN: 5N1AZ2MG1HN132479.

3. The Secured Creditor does not accept and objects to the Debtor’s proposed Plan. The Secured Creditor timely filed a proof of claim (Claim 2-1) for the total secured debt as of the date of filing \$20,960.19 with an interest rate of 24.61%. The interest rate, proposed in the Plan, 4.25%, is not adequate. The proposed interest rate does not properly adjust from the prime rate to account for the risk to the creditor, the duration and feasibility of the plan, or the circumstances of the estate. *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004).

4. The Secured Creditor does not accept and also objects to the Debtor’s valuation of the vehicle. The NADA value of the vehicle is \$20,550.00. The Secured Creditor is entitled to

payment of its claim in the full amount of the value of the vehicle. Debtor seeks to value the property at \$18,250.00. The Plan violates 11 U.S.C. §506(a)(2) and, in accordance with §1325(a)(1), cannot be confirmed.

WHEREFORE, Carvana LLC, and its successors and assigns, prays for the Court to sustain this Secured Creditor's Objection and to grant any such other and further relief as may be just and necessary.

Dated: October 28, 2021

/s/ M. Christine Maggard
M. Christine Maggard, VSB# 33824
Brock & Scott, PLLC
8757 Red Oak Blvd., Suite 150
Charlotte, NC 28217
christine.maggard@brockandscott.com
Counsel for the Movant

CERTIFICATE OF SERVICE

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Veronica D. Brown-Moseley
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/s/ M. Christine Maggard
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Counsel for the Movant